## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a two-story addition with a side yard setback of I feet in lieu of the minimum required 10 feet on the south side of the subject property, and to permit an open projection (deck) with a setback of I foot in lieu of the minimum required 7.5 feet on the north side, all as more particularly described on Politioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests tor public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 36-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion ot the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship abon the Petitioners.

This property is located within the Chesapeake Bay Critical Areas on Middle River and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioners' compliance with said

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of July, 1991 that the Petition for Residential Variance to permit a two-story addition with a side yard setback of 7 feet in lieu of the minimum required 10 feet on the south side of the subject property, and to permit an open projection (deck) with a setback of 1 foot in lieu of the minimum required 7.5 feet on the north side, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2) Petitioner shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments. The subject dwelling shall contain only one kitchen.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

4) Compliance with Critical Areas requirements to be submitted by DEPRM upon completion of their findings.

for Baltimore County

## PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We do solemnly declare and affirm, under the t

penalties of perjury, that I/we are the legal

The undersigned, legal owner(s) of the property situate in Baltimore County and which is desc the description and plat attached hereto and made a part hereof, petition for a Variance from Section Section IBNL, 1.1.1 to illow an addition with a side yard setback of 7' in lieu of the requirely to exempt largery and to allow an open projection with a setback of 1' in-Then of the required out (north side).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: 1. Not PERMITED to build on Add on WATER FRONT SIDE, due to Ceitical AREA

## 2. House not structurally Able to build and Level Above

3 NEED MORE FAMILY LIVING SPACE

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	owner(s) of the property which is the subject of this Petition.
Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Type or Print Name)
	Jame 7 Svec G
Signature	Patricia Stee
Address	Patrica Mac
Clty/State/Ilp Code	Signature
Attorney for Petitioner:	1716 1230 Wilson Paint Rd 687-2892
(Type or Print Name)	BA/to MARY/AND 2/220
Signature	City/State/Zip Code /
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted.
•	AMES F SUEC JO
Attorney's talephone number	Name 1 10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1

ORDERED by the Zoning Commissioner of Baltimore County, this

ZOMING COMMISSIONER OF BALTIMONE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED. IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Beltimore County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Beltimore County in Room 108, County Office Building in Yowson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, mt \_\_\_\_\_ o¹clock,

**AFFIDAVIT** IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

**-** 2-

91-479-A The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s)

is/are competent to testify thereto in the event that a public hearing is scheduled in the future wit
regard thereto.
That the Affiant(s) does/do presently reside at

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

1. Not permitted to build or add on waterfront side, due to Critical Area Requirements. Houge not structurally abla to build 2nd level above. 3. Need more family living space.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit

I HEREBY CERTIFY, this 10 day of 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: July 1992

May 14, 1991

91-419-A

ZONING DESCRIPTION OF 1716 WILSON POINT ROAD

- 3-

Beginning at a point N.81 59'58"E, 224.48'; S.28 46'21"E, 64.49' 8.70 50'04"W, 203.81'; S.03 28'31"E 20.90 side of Wilson Point Road which is 20' wide at the distance of 400' South of the center line of the nearest improved intersecting street, Shore Road which is 15' wide. Being Lot # the Southernmost one-third part of Lot #69 and the Northernmost one-third part of Lot #69 and the Northernmost one-third part of Lot #69A, Liber 1310, Folio #474 in the Subdivision of Bull Neck as recorded in Baltimore County Plat Book #L McLM #10, Folio #26 containing 8,818 square feet. Also known as 1716 Wilson Point Road and located in the 15th Election District.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

July 17, 1991

Mr. & Mrs. James F. Svec, Jr. 1716 Wilson Point Road Baltimore, Maryland 21220

RE: PETITION FOR RESIDENTIAL VARIANCE W/S Wilson Point Road, 700' S of the c/l of Shore Road (1716 Wilson Point Road) 15th Election District - 5th Councilmanic District James F. Svec, Jr., et ux - Petitioners Case No. 91-479-A

Dear Mr. & Mrs. Svec:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> J. ROBERT HAINES Zoning Commissioner

> > for Baltimore County

JRH:bjs

cc: Chesapeake Bay Critical Areas Commission Tawes State Office Building, D-4, Annapolis, Md. 21404

DEPRM

People's Counsel

File

CERTIFICATE OF POSTING District 15Th Petitioner: Tames F. S Very Jr. o Tuy Location of property: W/S Wilson Point Rd., 700' s/ shore Rd. Location of Signer Tacing Wilson PARA, 17pm 25 Fr. You dwg on proporty & Petitioner.

Posted by Matterty Date of return: 6/78/9/ Number of Signs: \_\_\_/

Remarks: .....

TOTAL TO HEARING FEES 40 ZUMING MARIANCE CIRLY THE PRESING SIGNS / ADVERTISING I X

LAST NAME OF OWNER: SVEC

TOTAL:

\$60.00

sqipeen squ

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before June 26, 1991. The last date (closing date) on which a beighbor may file a formal request for hearing is July 11, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this effice. Failure to return the sign and post will cause your Order to be held and incur a \$50,00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens (301) 887-3391

BALTIMORE COUNTY, MARYLAND

DATE: July 16, 1991

INTER-OFFICE CORRESPONDENCE

J. Robert Haines

Zoning Commissioner

SUBJECT: Robert Dean Steele, Item No. 2

Pat Keller, Deputy Director

Office of Planning and Zoning

Michael L. Heil, Item No. 5

Thomas A. Back, Item No. 464

Frank Buccini, Item No. 465

Dana R. Gift, Item No. 492 John C. Adamiak, Item No. 494

Anthony Catalfo, Item No. 471

Najib Baha Amin, Item No. 496

Barbara Black, Item No. 504

Martin Hahn, Item No. 506

Greg M. Hall, Item No. 511

Office of Planning at 887-3211.

comments.

PK/JL/cmm

ITEMSVAR.IED/ZAC1

Lawrence Bartal, Item No. 513

Lloyd Blumenfeld, Item No. 500

Patrick S. Malone, Item No. 501

Terrence Lee Maskol, Item No. 507

Kenneth A. Queensberry, Item No. 502

In reference to the Petitioners' requests, staff offers no

provide additional information, please contact Jeffrey Long in the

If there should be any further questions or if this office can

James F. Svel, Jr., Item No. 478 L

111 West Chesapeake Avenue Towson, MD 21204

July 1, 1991

Baltimore County Government

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

887-3353

Mr. & Mrs. James F. Svec, Jr. 1716 Wilson Point Road Baltimore, MD 21220

> RE: Item No. 478, Case No. 91-479-A Petitioner: James F. Svec, et ux Petition for Residential Variance

Dear Mr. & Mrs. Svec:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

JED:jw

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 9, 1991

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for June 25, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 463, 464, 465, 471, 478, 480, 484, 485, 487,

For Items 476 and 490, the previous County Review Group

For Items 481, 482 and 486, County Review Group

For Item 481, Cockeysville Road is an existing road, and no further improvements are required at this time.

and a maximum of 35 feet wide. Depressed curb is to be used with no curb returns to the property line.

Bureau of Public Services (887-3321).

For Item 482, Hammonds Ferry Road and Second Avenue are existing roads, and no further improvements are requested

However, prior to removal of any existing curb for entrances, the Developer shall obtain a permit from the Bureau of Public Services (887-3321).

Road and any improvements, including entrances, are subject to requirements and approval of the State Highway Administration.

111 West Chesapeake Avenue Towson, MD 2120+

887-3353

Your petition has been received and accepted for filing this

Baitimore County Government

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

10th day of June, 1991.

ZONING COMMISSIONER

Zoning Plans Advisory Committee

495.42

DATE: July 30, 1991

TALL

ZONING OFFICE

Received By

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

The subject property is located at 1716 Wilson Point Road. The

site is within the Chesapeake Bay Critical Area and is classified as a

The applicant is proposing to construct an addition onto an

Regulations to permit "an addition with a side yard setback of seven

feet in lieu of the required ten feet (south side) to allow an open

projection with a setback of one foot in lieu of the required 7.5 feet

In accordance with the Chesapeake Bay Critical Area Program, all

"Minimize adverse impacts on water quality that result from

pollutants that are discharged from structures or conveyances

Establish land use policies for development in the Chesapeake

movement, and activities of persons in that area can create

Bay Critical Area which accommodate growth and also address

the fact that even if pollution is controlled, the number,

adverse environmental impacts." <COMAR 14.15.10.01.0>

existing single family dwelling. The applicant has requested a

variance from section 1802.3.C.1 of the Baltimore County Zoning

project approvals shall be based on a finding which assures that

proposed projects are consistent with the following goals of the

or that have runoff from surrounding lands;

Conserve fish, wildlife and plant habitat; and

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

INTER-OFFICE CORRESPONDENCE

Petitioner: James F. Sveck, et ux

Petitioner's Attorney:

TO: Mr. J. Robert Haines

SITE LOCATION

APPLICANT PROPOSAL

(north side)".

Critical Area Law:

Zoning Commissioner

FROM: Mr. J. James Dieter, Director

Svec Property

Limited Development Area (LDA).

APPLICANT'S NAME Mr. James F. Svec, Jr.

SUBJECT: Petition for Zoning Variance - Item 478

Chesapeake Bay Critical Area Findings

Baltimore County Government Fire Department



700 East Joppa Road, Suite 901 Towson, MD 21204-5500

 $(301)887 \pm 500$ 

JUNE 21, 1991

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Raltimore County Office Ruilding Towson, MD 21204

RE: Property Owner: JAMES F. SVFC, JR.

Location: #1716 WILSON POINT ROAD

Ttem No.: 478 - Zoning Agenda: ZHMF 25, 1991

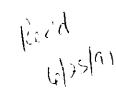
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Pureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the Mational Fire Protection Association Standard No. 161 "Tife Safety Code", 1988 edition prior to occupancy.

by 6 35-91\_ Approved Continued

JKZKEK



Memo to Mr. J. Robert Haines July 30, 1991

REGULATIONS AND FINDINGS

Page 2

Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.

Finding: The proposed addition is located on the street side of the existing single family dwelling. Therefore, no disturbance of the shoreline buffer shall occur.

Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "If a parcel or lot one-half acre or less in size was in residential use or zoned for residential purposes on or before December 1, 1985, then man-made impervious surfaces associated with that use are limited to 25% of the parcel or lot" <Section 22-217(e)>.

Finding: This proposed addition creates impervious surfaces that sum to 20% of the lot. Impervious surfaces that sum to more than 25% of the lot shall not be permitted.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%" <COMAR 14.15.02.04 C.(5)>.

Finding: The property owner proposes to plant the following trees to bring the property into complinance with the above regulation: 1 - pin oak

4 - red maples 3 - flowering dogwoods 5 - shrubs (to be selected at a later date from the attached list of native species)

These plants shall be planted within one year from the issue of the building permit.

5. Regulation: "The stormwater management system shall be

designed so that:

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;

91-479-A Dauly 12

488, 489.

Meeting Comments still apply.

Meetings may be required.

In addition, entrances shall be a minimum of 24 feet

Also, prior to removal of any existing curb for entrances, the Developer shall obtain a permit from the

at this time.

For Item 486, Pulaski Highway (U.S. Route 40) is a State

Memo to Mr. J. Robert Haines July 30, 1991 Page 3

(2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and

(3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" <Baltimore County Code, Section 22-217(h)>.

Findings: In order to comply with the above regulation, the applicant proposes to direct rooftop runoff through downspouts and into Dutch drains or seepage pits (see attached drainage information sheet). This will encourage maximum infiltration of stormwater and decrease the amount of runoff leaving the site.

## CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

O. Dames Dieter, Director

JJD:DCF:ju Attachment

cc: The Honorable Vincent Gardina
The Honorable Donald Mason
Mr. Ronald B. Hickernell
Mr. James F. Svec

